



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1198 OF 2019

Praveen Jain

....COMPLAINANT(S)

VERSUS

Apex Buildtech Pvt. Ltd.

....RESPONDENT(S)

CORAM:

**Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag**

**Chairman
Member
Member**

Date of Hearing: 21.10.2020

Hearing:

6th

Present through video conference: -

Ms. Vikasdeep, Advocate
for complainant

None for the respondent

ORDER (ANIL KUMAR PANWAR-MEMBER)

1. The complainant in this case is seeking refund of an amount of ₹5,00,000/- paid to the respondent for booking of a plot in his project named Austin Heights, Kundli, Sonipat.

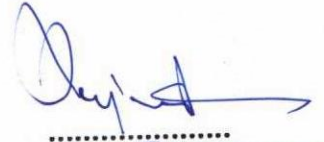
2. The respondent's plea is that the complainant is not entitled to refund because his allotment was cancelled in the year 2008 due to non-payment of dues demanded vide various reminders issued on 20.08.06, 07.12.06, 23.04.07, 05.02.08, 17.05.08 and 11.06.08. Even if the period of limitation is reckoned from these reminders, the present complaint which was instituted in the year 2019 is prima-facie time barred.

3. When confronted on the issue of limitation, the argument advanced by the complainant's counsel is that the complainant had earlier sent a legal notice to the respondent and had also knocked the door of District Consumer Disputes Redressal Forum challenging alleged cancellation and had thereafter filed the present complaint on coming in to force of RERA Act. His plea thus is that the complainant had been diligently pursuing his legal remedy against cancellation of allotment and his complaint cannot be held as time barred.

4. The Authority, in the above circumstances, directs the complainant to produce copy of the complaint filed before the District

Consumers Forum and the reply filed by the respondent to the said complaint so that it can be ascertained whether or not the complainant had challenged the cancellation of allotment within the period of limitation.

5. Case is adjourned to 10.12.2019.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]